

Minutes of the Board of Adjustment meeting held on Monday, April 8, 2013, at 5:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Travis Nay, Chair
Tom Halliday, Vice-Chair
Roger Ishino
Rosi Haidenthaller
Preston Olsen
Joshua Beach, Assistant Planner
Tim Tingey, Administrative & Development Services Director
G.L. Critchfield, Deputy City Attorney
Citizens

The Staff Review meeting was held from 5:15 to 5:30 p.m. The Board of Adjustment members briefly reviewed the applications. An audio recording is available for review in the Community & Economic Development office.

Travis Nay explained that variance requests are reviewed on their own merit and must be based on some type of hardship or unusual circumstance for the property and is based on state outlined criteria, and that financial issues are not considered a hardship.

APPROVAL OF MINUTES

Mr. Halliday made a motion to approve the minutes from March 11, 2013 as submitted. Mr. Ishino seconded the motion.

A voice vote was made. The motion passed, 5-0.

CONFLICT OF INTEREST

There were no conflicts of interest for this agenda.

CASE #1468 – RECOVERY WAYS CHATHAM HOUSE – 385 West 4800 South – Project #13-49

Jim Petersen was the applicant present to represent the request. Joshua Beach reviewed the location and request for a variance of 18 ft. to the front yard setback and parking lot landscaping requirements of the MU (Mixed Use) zoning district for the property located at 385 West 4800 South. Murray City Code Section 17.146.050(A) requires that buildings in the MU zoning district have a front yard setback of between 15 and 25 ft. measured from the back of curb on the adjacent street. Section 17.146.050(K) requires that parking lots be located between 15 and 25 ft. from the back of curb. The 25 ft. setback required is the maximum front yard setback allowed in the MU zoning district. The applicant proposes a building setback of 43 ft. from back of curb. The applicant also applied for a parking lot setback variance to allow the parking lot to be located 43 ft. from the back of curb. The variance request is the result of minimum separation regulations from a power line that runs along the east side of the property on Galleria Drive. In addition, the east property line is located approximately 42 ft. from the curb because of the location of the existing utilities. Based on review and analysis of the application material, subject site and surrounding area, and applicable Murray Municipal Code sections, the Community and Economic Development Staff finds that the proposal meets the standards for a variance. Therefore, staff recommends approval a condition:

1. The proposed building shall meet all applicable requirements of the Power Department and building code related to setback from the power line.

Mr. Ishino asked what the requirement is to be set back from the power lines. Mr. Beach stated the requirement is 15 ft. This is the minimum distance they would need to be from the power lines.

Jim Petersen, 6609 Old Mill Circle, stated they would not be able to build any closer to Galleria Drive, because there is a Murray City Power easement for the power line.

Mr. Halliday asked if the City physically owns the easement. Mr. Petersen stated the City physically owns it.

Ms. Haidenthaller asked if they plan on landscaping that area. Mr. Petersen responded in the affirmative. He stated that currently there is no curb or gutter and they plan on adding that and maintaining it to the road.

The meeting was opened for public comment. No comment was made and the public comment section was closed.

Mr. Ishino made a motion to approve a variance of 18 ft. to the front yard setback and an 18 ft. setback to the parking for the property located at 385 West 4800 South, subject to the condition:

1. The proposed building shall meet all applicable requirements of the Power Department and building code related to setback from the power line.

Mr. Halliday seconded the motion.

Vote recorded by Mr. Tingey.

A _____ Mr. Nay
A _____ Mr. Halliday
A _____ Mr. Ishino
A _____ Ms. Haidenthaller
A _____ Mr. Olsen

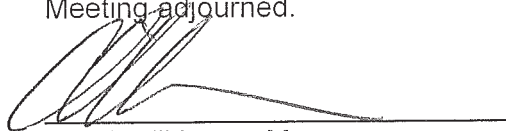
Motion passed, 5-0.

Ms. Haidenthaller made a motion to approve the Findings of Fact as prepared by staff. Mr. Halliday seconded the motion.

A voice vote was taken. Motion passed, 5-0.

OTHER BUSINESS

Meeting adjourned.



Chad Wilkinson, Manager
Community & Economic Development